

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

IN THE MATTER OF THE SEARCH OF)	Case No. <u>2:23-cr-00414</u>
)	
Attachment A to the Affidavit of ATF SA Ante K.)	
Brusich Dated May 16, 2023.)	
)	

MOTION TO SEAL

The United States of America, by and through its undersigned Assistant United States Attorney, hereby moves this Court to seal the affidavit in support of the search warrant and the attachments thereto, as well as the return to the warrant identifying any evidence seized. The Court has the inherent authority to seal these documents. *See Baltimore Sun v. Goetz*, 886 F. 2d 60 (4th Cir. 1988). The purpose of the Government's request is to protect the information contained within these documents and to avoid the disclosure of the investigation at this time.

It is respectfully requested that this Court issue an order sealing this affidavit in support of the search warrant and the attachments, as well as the return to the warrant identifying any evidence seized, until further order of the Court or for a period of one year after the date of this Order, whichever occurs first. The period may be extended on motion by the Government for good cause shown. Based on the facts in the affidavit, there is reason to believe that disclosure of the information in these documents would seriously jeopardize the investigation including by giving targets the opportunity to destroy or tamper with evidence, change patterns of behavior, flee from prosecution, intimidate cooperating and potential witnesses, and endanger the safety of law enforcement and other individuals. This search warrant and associated documents discuss an ongoing active federal criminal investigation. Evidence gathered from this search warrant will

likely lead to other individuals involved in the alleged criminal activity under investigation. Sealing this search warrant and associated documents will prevent this ongoing active federal criminal investigation from becoming widespread public knowledge which could lead to the destruction of relevant evidence. Premature disclosure of the contents of this affidavit, attachments, and search warrant return may have a significant and negative impact on the continuing federal investigation and may severely jeopardize its effectiveness. Additionally, sealing this search warrant affidavit with associated attachments will benefit officer safety. There will be a multi-day delay between search warrant authorization and search warrant execution. Sealing will prevent individuals associated with the investigation from learning of the warrant and possibly taking proactive measures in anticipation of law enforcement's arrival to execute the warrant.

For these reasons, the Government submits that the interests in sealing the affidavit and attachments thereto and the return outweigh the common-law public right of access and that sealing is "essential to preserve higher values." *See Media Gen. Operations, Inc. v. Buchanan*, 417 F.3d 424, 429-31 (4th Cir. 2005). The Government further submits that, by sealing only the affidavit in support of the search warrant, attachments thereto, and the return while providing public access to the search warrant, the application in support of the search warrant, the motion to seal and the sealing order, the denial of access is narrowly tailored to serve the Government's interests in sealing. *Id.* at 429.

Based on the foregoing, the Government requests that the affidavit in support of the search warrant and attachments thereto, as well as the return, be filed under seal except that working copies should be made available to the United States Attorney's Office, the Bureau of Alcohol,

Tobacco, Firearms, and Explosives (ATF), and any other law enforcement agency designated by the United States Attorney's Office.

Respectfully Submitted,

ADAIR F. BOROUGHS
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s/ CS Lietzow

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Charleston, South Carolina
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